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OFFICE OF THE ATTORNEY GENERAL

Federal Communications Commission  
Office of the Secretary

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April 6, 2005

Mr. Kevin Martin, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 8-A204  
Washington, DC 20554

Dear Commissioner Martin:

Congratulations on your appointment as Chairman of the Federal Communications Commission. I am confident during your tenure the agency will successfully address many challenges for the benefit of our citizens. As you may know, I met with Daniel Gonzalez at the FCC on March 16. One of the issues I raised with Mr. Gonzalez was the adequacy of the opportunity for public comment regarding the effort to preempt the Indiana Do-Not-Call law. Indiana's telephone privacy law affects about 64% of our 6.2 million citizens. Whenever a determination of a federal agency could directly impact the personal privacy enjoyed by so many who have signed up for our Do-Not-Call list, it's important for those same citizens to have a sufficient opportunity to be heard.

The previous comment period ran from January 3, 2005 through February 2, 2005. With the period occurring immediately after the holiday season - and while many school families were still on vacation, many did not have an adequate opportunity to comment. The expiration of the initial comment period should not work to preclude input of citizen voices that may have great interest in such matters. This is especially relevant when an "Expedited" Petition is under consideration.

It is my understanding that comments received after the February 2, 2005 deadline may be unofficially reviewed by the Commission. Helpful as that may be, citizen participation after the deadline has likely been diminished because many will not think their contact will "count". Only an official reopening of the comment period will assure citizens that their government is, in fact, listening.

Regardless of the final disposition of this matter by the agency, the integrity and confidence in the process would be enhanced by an adequate period for public comment. An additional comment period of 90 days would provide for sufficient notice to the public and an appropriate time for its voice to be heard.

Please advise me or Greg Zoeller, Chief Deputy Attorney General, at 317-233-3418, if we may be helpful as you consider this matter.

Sincerely,

Stephen Carter  
Indiana Attorney General

SC:rb220553

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